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Human rights questions: implementation of human rights instruments

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the persons chairing the human rights treaty bodies on their eleventh meeting, held at Geneva from 31 May to 4 June 1999, pursuant to General Assembly resolution 49/178 of 23 December 1994.

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Annex

Report of the persons chairing the human rights treaty bodies on their eleventh meeting

I. Introduction

1. Since the adoption of its resolution 37/44 on 3 December 1982, the General Assembly has continuously kept under review the issue of the effective implementation of international instruments on human rights, including reporting obligations under international instruments. Those matters have also received careful attention during the various sessions of human rights treaty bodies, at some of the meetings of States parties and at meetings of other organs such as the Economic and Social Council and the Commission on Human Rights.

2. Pursuant to General Assembly resolution 38/117 of 16 December 1983, the Secretary-General convened the first meeting of the chairpersons of bodies entrusted with the consideration of State party reports in August 1984. The report on that meeting was submitted to the General Assembly at its thirty-ninth session (A/39/484, annex). The meetings of the chairpersons were convened by the Secretary-General biennially from 1988 until 1994 and, in accordance with Assembly resolution 49/178 of 23 December 1994, annually since 1995. In its resolution 52/118 of 12 December 1997, the General Assembly endorsed a request of the persons chairing the treaty bodies to hold an extraordinary ninth meeting early in 1998 to pursue the reform process with the aim of improving the effective implementation of international instruments on human rights.

3. In its resolution 53/138 of 9 December 1998, the General Assembly welcomed the reports of the persons chairing the human rights treaty bodies on their ninth and tenth meetings, held at Geneva from 25 to 27 February 1998 and 14 to 18 September 1998, respectively (A/53/125, annex; and A/53/432, annex), and took note of their conclusions and recommendations. The General Assembly noted with appreciation the efforts of the persons chairing the human rights treaty bodies to propose appropriate reforms of the reporting system with a view to, *inter alia*, reducing the reporting burden on States parties while maintaining the quality of reporting, and encouraged them to continue those efforts, including through the continued examination of the benefits of reports focused on a limited range of issues and of opportunities for harmonizing the general guidelines regarding the form and content of reports, the timing of consideration of reports and the methods of work of the treaty bodies. It decided to continue to give priority consideration at its fifty-fifth session to the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

4. The eleventh meeting of chairpersons of the human rights treaty bodies was convened by the Secretary-General from 31 May to 4 June 1999 pursuant to General Assembly resolution 49/178.

II. Organization of the meeting

5. The meeting was held at the United Nations Office at Geneva from 31 May to 4 June 1999. The following representatives of the human rights treaty bodies attended: Mr. Mahmoud Aboul-Nasr (Chairperson of the Committee on the Elimination of Racial Discrimination), Mrs. Virginia Bonoan-Dandan (Chairperson of the Committee on Economic, Social and Cultural Rights), Mr. Peter T. Burns (Chairperson of the Committee against Torture), Mrs. Aida González (Chairperson of the Committee on the Elimination of Discrimination against Women), Mrs. Nafsiah Mboi (Chairperson of the Committee on the Rights of the Child), and Mrs. Cecilia Medina Quiroga (Chairperson of the Human Rights Committee). Mrs. Medina Quiroga was elected Chairperson/Rapporteur of the meeting and Mrs. Bonoan-Dandan was elected Vice-Chairperson. At their first meeting the chairpersons adopted the agenda and the programme of work.

6. On behalf of the United Nations High Commissioner for Human Rights, Mr. Bertrand Ramcharan, Deputy High Commissioner for Human Rights, addressed persons chairing the human rights treaty bodies on 31 May 1999. Mrs. Mary Robinson, United Nations High Commissioner for Human Rights, addressed the chairpersons in a closed meeting on 4

June 1999, which was highly appreciated by the participants.

7. Representatives of the following United Nations bodies and specialized agencies participated in the meeting: the Division for the Advancement of Women of the United Nations Secretariat; the United Nations Development Programme (UNDP); the Joint United Nations Programme on HIV/AIDS (UNAIDS); the Office of the United Nations High Commissioner for Refugees (UNHCR); the United Nations Children's Fund (UNICEF); the International Labour Organization (ILO); and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

8. Representatives of Amnesty International and the Lawyers Committee for Human Rights also intervened during the meeting.

9. In addition to the above, the meeting was addressed by Mrs. Anne Anderson, Chairperson of the fifty-fifth session of the Commission on Human Rights; Mr. Yimer Aboye, member of the Bureau of the fiftieth session of the Subcommission on Prevention of Discrimination and Protection of Minorities; and Mrs. Gastaut, Director of the Information Service of the United Nations Office at Geneva.

10. The chairpersons were also addressed by Ms. Anne Bayefsky of York University, Canada, entrusted by the High Commissioner for Human Rights to conduct a study on the effective functioning of the human rights treaties, including their impact at the national level.

11. On the afternoon of 2 June 1999, the chairpersons held a joint meeting with the participants of the sixth meeting of special rapporteurs and representatives, experts and chairpersons of working groups of the special procedures system of the Commission on Human Rights and of the advisory services programme.

12. On 3 June, the chairpersons convened a meeting with the representatives of States parties to discuss views on the functioning of the six human rights treaty bodies. Thirty-eight States parties were represented at the meeting. Appreciation was expressed by all participants for the opportunity to engage in a fruitful dialogue on the role of the treaty bodies and their future evolution.

13. On 4 June, the chairpersons considered the draft report on their eleventh meeting. The report, as amended during the course of the meeting, was adopted unanimously. The list of documents made available to the meeting is contained in appendix I.

14. The chairpersons tentatively agreed to hold their twelfth meeting at the United Nations Office at Geneva to coincide with the next annual meeting of special rapporteurs and representatives, experts and chairpersons of working groups, but not to interfere with any of the sessions of the treaty bodies.

III. Review of recent developments relating to the work of the treaty bodies

15. The chairpersons briefed the meeting on recent developments in the work of their respective treaty bodies and the follow-up on recommendations of the tenth meeting of chairpersons. Positive results with respect to some treaty bodies were noted as a consequence of modifications in their methods of work. These included allowing additional time for States parties to respond to issues raised during the examination of reports, which has resulted in a higher quality of dialogue with the States parties concerned, as well as higher quality of the conclusions and recommendations adopted by the committees. The chairpersons expressed concern over continuing problems such as the large backlog of State reports to be examined and the growing backlog of correspondence awaiting responses; the unbalanced geographical and gender representation in their committees; the inadequate meeting time allotted to them to deal with their workloads; and the lack of adequate interpretation services for all their work, including Bureau meetings.

16. The chairpersons were addressed by the Deputy High Commissioner for Human Rights, Mr. Bertrand Ramcharan, who, *inter alia*, informed them of the approach adopted by the High Commissioner with regard to fund-raising. While welcoming the success of the plans of action to strengthen the implementation of the Convention on the Rights of the Child and of the International Covenant on Economic, Social and Cultural Rights and noting the efforts of the chairpersons to develop a plan of action for the remaining three Geneva-based treaty bodies, the High Commissioner was seeking to ensure adequate resources for all treaty bodies through a consolidated approach. The High Commissioner would appeal to the

international donor community, including Governments, businesses and institutions, to support the work of the treaty bodies.

17. The Deputy High Commissioner also highlighted the importance attached by the High Commissioner to the jurisprudence of the treaty bodies. In that regard, the High Commissioner was considering ways to reassemble within the Secretariat a core team to service their communications procedures, which should reinforce the work not only of the three treaty bodies that currently have such procedures in place but also of the other three bodies that are seeking to have such procedures developed in relation to the treaties whose implementation they monitor.

18. The chairpersons welcomed the proposal of the Deputy High Commissioner that a handbook for States parties be prepared which would present the core elements of treaty body "jurisprudence", in the broadest sense of the term. Such a handbook would bring together in a single volume significant decisions or views on communications, important general comments or recommendations, concluding observations, reporting guidelines of the six treaty bodies and other relevant material, and would be useful not only to States parties but to non-governmental organizations, other parts of the United Nations system and individuals interested in the work of the treaty bodies. They urged the Office of the High Commissioner to prepare such a handbook as soon as possible, in consultation with the chairpersons.

19. Mrs. Anne Anderson, Chairperson of the fifty-fifth session of the Commission on Human Rights, addressed the meeting and emphasized that the Commission and the treaty bodies shared a common interest, namely, the quality of interaction between them. She further made reference to the current review and reform of the mechanisms of the Commission, stating that once the process of reform within the Commission itself had been completed, it would be time to look closely at ways to improve the cooperation between the Commission's procedures and treaty bodies. For example, subsequent to the "special dialogues" organized by the Commission this year on a few priority issues, the Commission was already considering topics to be addressed during future "special dialogues". Mrs. Anderson suggested that consultation with human rights treaty bodies should be undertaken in that regard, a suggestion that was warmly welcomed by the chairpersons. She concurred with the view previously expressed by the chairpersons that a representative of the committees should be granted formal status at the Commission on Human Rights to enable their participation on matters of relevance to them. She informed the chairpersons of her intention to raise that matter at her next meeting with the Economic and Social Council.

20. The chairpersons were also addressed by Mr. Yimer Aboye, member of the Bureau of the fiftieth session of the Subcommission on Prevention of Discrimination and Protection of Minorities. Among a number of interesting initiatives, the Subcommission was undertaking studies and working papers on topics including reservations to the human rights treaties and observance by States of the Universal Declaration of Human Rights. The chairpersons welcomed those important endeavours and expressed hope that the Subcommission would draw on the expertise of the treaty bodies when considering future studies. The representative of the Subcommission requested the Human Rights Committee and other treaty bodies to consider articles 8 and 24 of the International Covenant on Civil and Political Rights within the context of the work of the Working Group on Contemporary Forms of Slavery.

21. The representative of the Division for the Advancement of Women reviewed the recently concluded Workshop on Gender Integration into the Human Rights System, to which all chairpersons of treaty bodies and representatives from all special mechanisms had been invited. At the Workshop, the chairpersons were encouraged to review the working methods of the treaty bodies with a view to identifying areas where questions of gender could be raised, as well as the sources of information that they relied upon in order to have a more balanced view of country situations. The Workshop concluded, *inter alia*, that increased coordination among treaty bodies, in the form of joint meetings, coordinated general comments or recommendations and shared databases, could prove useful. The final report of the Workshop was distributed at the meeting.

22. The chairpersons were briefed by Ms. Anne Bayefsky on a global study which she had been commissioned to undertake by the High Commissioner for Human Rights on the effective functioning of the human rights treaties, including their impact at the national level. Part of the study would be devoted to the functioning of the treaty bodies. At the request of

the High Commissioner, she presented to the meeting her discussion paper on secretariat servicing.

23. The chairpersons also took note of a decision adopted at a recent meeting of States parties to the Convention on the Rights of the Child in which States parties recommended that nominations of candidates be submitted in accordance with the two-month time period set out in the Convention.

24. Another development brought to the attention of the chairpersons was the issue of corporate responsibility for human rights. A representative of the Office of the High Commissioner for Human Rights (OHCHR) explained that the relationship between business and human rights was an area of special concern to the High Commissioner. Although the treaties are addressed to States parties, corporate entities were often directly responsible for the protection of certain human rights, particularly labour rights, and in some countries corporate entities exercised greater influence over society than did their Governments. The chairpersons welcomed the attention paid by the High Commissioner to that important area.

IV. Cooperation of human rights treaty bodies with specialized agencies, United Nations departments, funds, programmes and mechanisms and non-governmental organizations

A. Cooperation of human rights treaty bodies with specialized agencies, United Nations departments, funds and programmes

25. The Director of the United Nations Information Service at Geneva, Mrs. Thérèse Gastaut, described the traditional and new strategic news coverage undertaken by the Department of Public Information of the Secretariat on the work of treaty bodies. The traditional news coverage undertaken was done through press releases, radio broadcasting, television coverage and press conferences. In view of their previous recommendation to the Information Service (A/53/432 para. 38) to explore ways to attract the interest of the media worldwide, the chairpersons noted with particular interest: (a) the efforts made to ensure that all information on reporting by a particular State was sent to the local UNDP field offices and that it was reflected in the national media; and (b) the foreseen launching, in June 1999, of the United Nations News Service through which important United Nations news would be sent by e-mail to subscribers of that service, with particular focus on developing countries. It was agreed that in order to keep the treaty bodies up to date as to the news coverage relating to their work in the international and local media, the Department of Public Information would send a dossier of each committee's press coverage to its respective committee secretary.

26. The chairpersons expressed appreciation for the information provided by Mrs. Gastaut. They acknowledged that there was a need for treaty bodies to make their work more appealing to members of the press and recognized the difficulties in ensuring the accuracy of press releases, since the speed with which they must be issued often precluded verification of facts. Nevertheless, a number of chairpersons expressed dissatisfaction with the quality of press releases for two reasons. First, inaccuracies were found to be contained in some press releases; and, secondly, press releases tended to highlight only problems encountered in treaty implementation by States parties. Both of those problems had on occasion placed some treaty bodies in awkward positions in relation to States parties. One Chairperson suggested, in order to make concluding observations more interesting to the press, that the responsible staff in the Department of Public Information who were drafting press releases should coordinate with the person with principal responsibility for the meeting in question with a view to identifying themes or issues that might attract interest.

27. Representatives of UNDP, UNAIDS, UNICEF, ILO and UNESCO informed the chairpersons of their work and of recently developed forms of cooperation with the treaty bodies. The representative from UNAIDS highlighted ways in which inadequate protection of human rights — civil and political rights, as well as economic, social and cultural rights — fuelled the HIV/AIDS epidemic, in particular among women and children. The representative of UNAIDS reported that an agreement had been reached on the hiring of a full-time adviser to work directly with the treaty bodies in integrating HIV/AIDS concerns into their activities. The adviser would be funded by UNAIDS during the first year of service and was due to begin working in June 1999.

28. The representative of UNICEF reported on steps taken to update the Memorandum of Understanding with OHCHR. In connection with the cooperation with treaty bodies, she indicated that UNICEF also planned to embark on a compilation of "best practices" in the implementation of the Convention on the Rights of the Child, especially on general measures of implementation. In addition to its traditional cooperation with the Committee on the Rights of the Child, UNICEF had started to cooperate closely with other treaty bodies, in particular with the Committee on the Elimination of Discrimination against Women and the Human Rights Committee.

29. The representative of ILO informed the meeting that efforts were being made within that organization to improve the quality of information provided to the treaty bodies which at present was limited to copies of comments by the bodies supervising the ILO conventions. For example, information on the International Programme on the Elimination of Child Labour (IPEC) could be submitted to the Committee on the Rights of the Child and more targeted information could be submitted to the Committee on the Elimination of Discrimination against Women. To enhance the effectiveness and usefulness of the liaison system of those treaty bodies which had such a system in place, ILO would welcome visits by members designated to carry out liaison functions to speak with ILO staff working in areas of interest to them, to view ILO files that were too voluminous to submit to the treaty bodies and to consult the ILO resource centre. She further reported that information from the treaty bodies had been specifically designated as a source of information for follow-up reports to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms and that concluding observations were systematically brought to the attention of the ILO Committee of Experts.

30. The representative of UNDP informed the meeting of efforts under way in the organization to cooperate with the treaty bodies and other mechanisms. In particular, the Committee on Economic, Social and Cultural Rights and the Working Group on the Right to Development of the Commission on Human Rights were targeted as entry points for closer cooperation with human rights bodies. Information from UNDP field offices, particularly national development reports, where those existed and when relevant to the examination of a State report, was regularly submitted to the Committee. Making the reports available to other treaty bodies would soon be considered. UNDP encouraged, but as a decentralized organization did not obligate, Resident Representatives serving in countries under consideration to participate directly in relevant meetings of the Committee. Within the context of the Memorandum of Understanding concluded with the Office of the High Commissioner for Human Rights in March 1998, UNDP and the Office had launched in April a joint programme entitled "Human Rights Strengthening" (HURIST) to promote human rights at the regional and national levels.

B. Cooperation of human rights treaty bodies with non-governmental organizations

31. A joint written appeal from Amnesty International, the Association for the Prevention of Torture, the Carter Center, Fédération internationale des ligues des droits de l'homme, Human Rights Internet, Human Rights Watch, the International Commission of Jurists, the International League for Human Rights, the International Service for Human Rights, the Jacob Blaustein Institute for the Advancement of Human Rights, the Lawyers Committee for Human Rights, the Observatory for the Protection of Human Rights, and the World Organization against Torture was presented to the chairpersons related to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the General Assembly on 9 December 1998 (resolution 53/144, annex). The organizations urged the human rights treaty bodies to pay increased attention to the rights of human rights defenders, including their need to access the treaty bodies and the right to freedom of association.

32. In its intervention, Amnesty International expressed its concerns about the recent denunciation and subsequent re-accession with serious reservations to human rights treaties by some States parties. The organization proposed a number of possible measures to be taken by the human rights treaty bodies to discourage such a practice.

C. Joint meeting with participants in the eleventh meeting of chairpersons of human rights treaty bodies and the sixth meeting of special rapporteurs and representatives, experts and chairpersons of working groups of the special procedures system of the Commission on Human Rights and of the advisory services programme

33. On 2 June 1999, a joint meeting was held between the participants of the eleventh meeting of the persons chairing human rights treaty bodies and the sixth meeting of special rapporteurs and representatives, experts and chairpersons of working groups of the special procedures system of the Commission on Human Rights and of the advisory services programme.

34. The first joint meeting was welcomed.

35. The six chairpersons of the human rights treaty bodies and three representatives of the special procedures system[1] provided information on the activities of their respective mandates, as well as on present and future interaction between the two mechanisms. The presentations were followed by suggestions to enhance the cooperation between treaty bodies and the special procedures system, including the following:

(a) The reports of the special rapporteurs and representatives, experts and chairpersons of working groups should contain a specific section on the situation of children;

(b) The reports of the special rapporteurs and representatives, experts and chairpersons of working groups should include a gender focus in their assessments of human rights situations;

(c) Greater use should be made by treaty bodies and the special procedures system of the findings of the other mechanism;

(d) Close cooperation should be sought in the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

(e) More information should be shared on positive achievements and "best practices" in the implementation of human rights;

(f) Ways should be explored to enable the two mechanisms to jointly enhance the interpretation of human rights provisions in a consistent manner;

(g) Greater attention should be paid to the impact of armed conflict on the realization of human rights;

(h) There should be opportunities for the two mechanisms to discuss thematic issues of mutual interest such as environment and human rights, education, and human rights defenders;

(i) There is a need for an exchange of information and experience regarding "follow-up" procedures to ensure the implementation of conclusions and recommendations;

(j) Databases should be developed to facilitate the exchange of information;

(k) Consideration should be given to compiling an easily accessible chart on planned and recently completed missions in order to identify activities of mutual interest and opportunities for cooperation.

36. The joint meeting adopted recommendations relating to cooperation through better use of information technology, more direct consultation and improved coordination (see paras. 60-62 below).

V. Universal ratification

37. The chairpersons were briefed by the Secretariat on the efforts of OHCHR to promote universal ratification of the principal international human rights treaties. In addition to the systematic encouragement the Secretary-General of the United Nations and the High Commissioner for Human Rights have given to promote ratification during their contacts with representatives of Governments, the Office continued to make use of its inter-agency contacts initiated within the framework of activities to commemorate the fiftieth anniversary of the Universal Declaration of Human Rights in 1998 to promote ratification. In addition, one of the activities provided for in the joint UNDP/OHCHR programme HURIST was entirely dedicated to the promotion of ratification. The activities foreseen under the programme would in part

be based on the results of two regional meetings on this topic organized by the Office in the Africa and Asia/Pacific regions in 1996 and 1997, respectively.

38. The chairpersons discussed the possibility of treaty bodies encouraging States parties, during the examination of their reports, to ratify any of the human rights treaties as yet unratified by those States. They noted the concerns of some States that a major obstacle to ratification was the onerous reporting obligations under the various treaties. In this connection, the chairpersons considered that it would be useful to have at their disposal a document presenting the reporting history of all States under all six treaties through which it could be readily ascertained which treaties each State was a party to. Such a document would be useful not only to treaty bodies but also to States and organizations and individuals interested in the reporting process.

VI. Improving the work of the treaty bodies

A. Regional sessions

39. The chairpersons considered the possibility that sessions of treaty bodies be held in locations other than their usual sites. They considered that varying session sites would bring the treaty bodies more visibility in regions where they might not be well known, make them more accessible to some States that might not have representation at their normal sites, or facilitate the participation of some small States that might not otherwise be in a position to attend sessions of the treaty bodies.

40. The chairpersons noted that the Committee on the Elimination of Racial Discrimination had made a formal request for one of its annual sessions to be held in New York, as it is stipulated in article 10.4 of the International Convention on the Elimination of All Forms of Racial Discrimination that the Committee shall normally meet at United Nations Headquarters. The Committee on Economic, Social and Cultural Rights had been requested by its parent body, the Economic and Social Council, to resubmit its request for a session to be held in New York, which it planned to do promptly. The Committee on the Elimination of Discrimination against Women, which was based in New York, planned to submit a formal request for a session to be organized in Geneva. However, the chairperson of the Committee against Torture reported that his Committee did not wish to use scarce resources to have its sessions held elsewhere but rather preferred to use any available additional resources for other priorities, such as missions.

B. Technical briefings

41. At their eighth meeting, held in September 1997, the chairpersons of the human rights treaty bodies requested the Secretariat to present a proposal as to the possible content of technical briefings for members of the treaty bodies that would help them better to face the increasing complexity of the legal and institutional context in which the treaty bodies operate (A/52/507, para. 48). At their eleventh meeting, the chairpersons considered a proposal by the Secretariat for a programme of technical briefings for committee experts, which had been prepared in accordance with suggestions made at their previous meeting (A/53/432, paras. 35 and 36). The chairpersons welcomed the proposal and recommended that OHCHR take appropriate steps to ensure that such technical briefings be made available, in particular, to newly elected committee experts, on the understanding that each briefing would be adapted in accordance with the needs and methods of work of each treaty body.

C. Measures to enhance cooperation among treaty bodies

42. A suggestion was made to establish ad hoc joint working groups to draft common guidelines for State reports with regard to common provisions contained in several of the human rights treaties. Such working groups would consist of designated members of the treaty bodies concerned.

43. The chairpersons discussed various measures that could be taken to enhance cooperation among treaty bodies. They included the extension of reciprocal invitations by treaty bodies to attend each other's sessions when matters of mutual interest were scheduled for consideration. Such measures could also include the drafting of "coordinated general comments or recommendations", which was also a recommendation of the Workshop on Gender Integration into the Human Rights System.

44. The chairpersons discussed the suggestion that OHCHR publish a "human rights treaties series", each issue to be devoted to specific provisions of the treaties. Articles could be drafted by external experts in the field of human rights, with the proviso that the views contained in the articles were exclusively those of the author and were not endorsed by the treaty bodies or by OHCHR. Articles to be included in the publication could deal with such matters as interpretations of treaty provisions, issues relating to practical implementation and best practices.

45. The chairpersons discussed the possibility of their participation in meetings of their supervisory organs when their annual or biannual reports were being considered. For the Committee on Economic, Social and Cultural Rights, the supervisory organ is the Economic and Social Council, while for the other five it is the General Assembly. The chairpersons considered it would be useful to be able to highlight important findings of their Committees and see how their reports were received.

VII. Draft Plan of Action for strengthening the implementation of the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

46. The chairpersons welcomed the revised draft Plan of Action for strengthening the implementation of the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was submitted to them in accordance with a recommendation of their tenth meeting. Following a detailed discussion, they approved the draft Plan of Action, as modified during the meeting and subject to a final round of consultations with all members of the three treaty bodies concerned. The meeting urged OHCHR to undertake such consultations with a view to finalizing and implementing the Plan of Action as soon as possible.

VIII. Development of indicators and benchmarks to assess the realization of human rights

47. The chairpersons reviewed a proposal for a workshop to be organized for the purpose of developing indicators to measure the implementation of the right to education. Such a workshop was foreseen in Commission on Human Rights resolution 1999/25 of 26 April 1999; if the resolution was endorsed by the General Assembly, the chairpersons considered that the proposal would be most helpful for its implementation. They strongly supported the holding of a workshop and recommended that it be organized in close consultation with the Committee on Economic, Social and Cultural Rights along the lines presented therein.

48. The chairpersons were briefed by the Secretariat on efforts being made to develop human rights indicators within the United Nations system. It was pointed out that while a wealth of data was available on economic, social and cultural rights, which already formed a strong foundation for the development of indicators for the measurement of those rights, little was available in the area of civil and political rights. OHCHR sought to remedy that imbalance by developing indicators for the measurement of enjoyment of all human rights, as defined in the principal treaties. To this end, it is working with its partners in the United Nations system, particularly through the United Nations Development Group (UNDG).[2]

IX. Informal consultations with Governments

49. On 3 June, the chairpersons met with representatives of States parties. The meeting provided an opportunity for the chairpersons to outline the difficulties faced by each treaty body and to hear the views of States parties on a wide range of topics relating to their interaction with treaty bodies. The chairpersons urged States parties to support their work, particularly by submitting instruments of acceptance of the proposed amendments to the various treaties and by

allocating sufficient resources in the Fifth Committee. They also appealed to the States parties to consider gender and geographical balance in the treaty bodies when electing members.

50. Many representatives expressed appreciation for the improvements in methods of work that made possible better participation by States parties in the reporting process, particularly by allowing more time for delegations to respond to questions posed by treaty bodies and by requesting more focused information in periodic reports. They were pleased to learn that treaty bodies were beginning or continuing to invite States parties to comment on concluding observations adopted on their reports and that those comments would normally be included in the annual reports of treaty bodies. They considered that many of the matters raised in the report of the independent expert of the Commission on Human Rights on enhancing the long-term effectiveness of the United Nations human rights treaty monitoring system (E/CN.4/1997/74) were still valid, and suggested that treaty bodies should continue to consider ways to streamline and coordinate their work.

X. Recommendations

A. Relationship with the General Assembly, the Economic and Social Council and the functional commissions of the Economic and Social Council

51. The chairpersons recommend that treaty body chairpersons, or designated members of the treaty bodies, should be permitted to be present when their annual reports are considered by their supervisory organ, whether it be the General Assembly or the Economic and Social Council. They recommend that the Secretary-General consider ways to enable such a practice to be instituted.

52. The chairpersons further recommend that they be granted formal status within the Economic and Social Council, and hence with its functional commissions, to enable them to participate in discussions on matters of relevance to their respective committees.

53. The chairpersons welcome the suggestion by the chairperson of the Commission on Human Rights that treaty bodies should be consulted in relation to preparations for future "special dialogues" organized by the Commission.

B. Public information

54. The chairpersons welcome the offer by the Department of Public Information to transmit to each treaty body, through its respective secretariat, a dossier of media coverage of its work at both the national and international levels. They recommend that such dossiers be prepared on a regular basis.

C. HIV/AIDS

55. The chairpersons recommend that the treaty bodies pay closer attention to the situation of persons with HIV/AIDS, including women and children, during the examination of State reports.

D. Cooperation with non-governmental organizations

56. The chairpersons note the concerns and suggestions put forward by the non-governmental organizations and decide to bring them to the attention of their respective committees.

E. Documents and publications

57. The chairpersons warmly welcome the proposal of the Deputy High Commissioner for the preparation of a handbook for States parties which would present the core elements of treaty body "jurisprudence", in the broadest sense of the term. They urge the Office of the High Commissioner to prepare such a handbook, in consultation with the chairpersons.

58. In relation to efforts to promote compliance of States parties with their reporting obligations, as well as to promote universal ratification of the human rights treaties, the chairpersons recommend that OHCHR produce a document, on an annual basis, outlining the reporting history of States parties to the treaties.

59. The chairpersons fully endorse the proposal for OHCHR to publish a "human rights treaties series", each issue to be devoted to specific provisions of the treaties.

F. Recommendations of the joint meeting with the special procedures system

60. Subsequent to its general discussion, the joint meeting decided to adopt the following recommendations: the joint meeting emphasizes that the work of each group of mechanisms is equally important to the other. It also welcomes efforts made by OHCHR to make the documentation produced by both the treaty bodies and the special procedures of the Commission on Human Rights available to each mechanism and urges the intensification of such efforts. In particular, it urges OHCHR to institutionalize a system for drawing the attention of the different special procedures mandates to information of the treaty bodies relevant to their work, including observations on State party reports and views on individual cases.

61. It also encourages the treaty bodies to call, as they feel necessary, for the cooperation of the special procedures, including the possibility of a direct exchange of information during their sessions. It requests the Office of the High Commissioner to take steps to ensure the necessary funding for such cooperation.

62. In order to provide an opportunity to conduct more in-depth consultations and dialogue on areas of common concern, it is recommended that a full day of joint meetings be arranged for next year.

G. Regional meetings

63. The chairpersons reiterate their request made in previous reports that necessary steps be taken to enable the four human rights treaty bodies meeting only in Geneva to hold occasional sessions in New York, and for the Committee on the Elimination of Discrimination against Women to hold sessions in Geneva. They also reiterated their request to be enabled to meet, on occasion, at other United Nations regional offices.

H. Technical briefings

64. The chairpersons express appreciation for the revised proposal of the Secretariat on technical briefings that was requested at their tenth meeting. They agree in principle on the contents proposed, with the understanding that the programme would be tailored in accordance with the specific requirements and methods of work of each treaty body.

I. Coordination among treaty bodies

65. The chairpersons agree that it would be useful to establish an ad hoc joint working group to explore the possibility of drafting possible common guidelines for State reports with regard to common provisions contained in several of the human rights treaties, consisting of designated members of the treaty bodies concerned. They call on OHCHR to take the necessary steps to organize meetings of such working group.

J. Plan of Action for strengthening the implementation of the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

66. The chairpersons welcome the revised draft Plan of Action, prepared by the Secretariat in consultation with the members of the three treaty bodies involved. They welcome the opportunity provided therein to develop and test new methods of work, to engage in closer cooperation among the six treaty bodies, as well as to strengthen the level of support provided to them. They therefore urge the High Commissioner for Human Rights to embark on consultations with members of all treaty bodies concerned, with a view to finalizing and launching the Plan of Action without delay.

K. Human rights indicators

67. The chairpersons note with interest the efforts being made by the Office of the High Commissioner for Human Rights to develop, in cooperation with its partners in the United Nations system, indicators that would make possible measurement of the level of enjoyment of all human rights. In this regard, they encourage the Office in these endeavours and express

hope that they will lead to the development of useful tools for the human rights treaty bodies, among others.

68. In this regard, the chairpersons welcome the first such effort in the area of the right to education. They express full support for the proposal for OHCHR to organize a workshop of experts for the purpose of developing indicators to measure implementation of this right. They call upon the Office, in its preparations for this workshop, to cooperate closely with the Committee on Economic, Social and Cultural Rights.

L. Corporate responsibility for human rights

69. The chairpersons welcome the attention paid by the High Commissioner to the important issue of corporate responsibility for human rights and recommend that the treaty bodies consider what role, if any, they might play in this regard.

Notes

[1] Mr. Roberto Garretón, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Mr. Abid Hussain, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Mr. Diego García-Sayán, member of the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights.

[2] The United Nations Development Group is one of four executive committees established directly under the Secretary-General to advise him on matters relating to key areas of work undertaken by the United Nations system. The membership of UNDG is composed of the heads of the major development agencies and departments, including UNDP, UNICEF and the United Nations Population Fund (UNFPA). The High Commissioner for Human Rights is a member of all four executive committees, in accordance with the designation by the Secretary-General of human rights as a cross-cutting theme relevant to all the work of the Organization.

Appendix I

Documents made available to the meeting

1. Provisional agenda and annotations (HRI/MC/1999/1)
2. Tentative programme of work
3. Activities profiles of treaty bodies
4. Reports of the ninth and tenth meetings of chairpersons (A/53/125 and A/53/432
5. Status of the international human rights instruments and the general situation of overdue reports: report of the Secretary-General (HRI/MC/1999/2 and Corr.1)
6. General Assembly resolution 53/138
7. Status of instruments: list of ratifications of the nine principal international human rights treaties
8. Report of the secretariat on follow-up to the recommendations of the tenth meeting of chairpersons (HRI/MC/1999/3)
9. Chart prepared by the secretariat on follow-up to the recommendations of the tenth meeting of chairpersons of the human rights treaty bodies
10. OHCHR/UNDP joint programme on "Human Rights Strengthening" (HURIST)
11. Annotated agenda and programme of work of the sixth meeting of special rapporteurs and representatives, experts and chairpersons of working groups of the special procedures system of the Commission on Human Rights and of the advisory services programme
12. Report of the fifth meeting of special rapporteurs and representatives, experts and chairpersons of working groups of the special procedures system of the Commission on Human Rights and of the advisory services programme, May 1998 (E/CN.4/1999/3 and addenda)
13. Preliminary conclusions of the International Law Commission on reservations to normative multilateral treaties including human rights treaties (A/52/10, chap. V.C)
14. Second report on reservations to treaties by the International Law Commission (A/CN.4/478/Rev.1)
15. Fourth report on reservations to treaties by the International Law Commission (A/CN.4/499)
16. Resolution 1997/41 of the Subcommission on Prevention of Discrimination and Protection of Minorities
17. Note by the secretariat on cost estimates associated with the possible organization of treaty body sessions in various regions requested by the eighth and tenth meetings of chairpersons (HRI/MC/1999/Misc.1)

18. Proposal of the secretariat for technical briefings for new members of treaty bodies (HRI/MC/1999/Misc.2)

19. Draft Plan of Action to strengthen the implementation of the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (HRI/MC/1999/Misc.3)

20. "Servicing the human rights treaty system", summary of a study by Ms. Anne Bayefsky (HRI/MC/1999/Misc.4)

21. Plan of Action to strengthen the implementation of the Convention on the Rights of the Child (CRC/SP/26)

22. Plan of Action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights

23. Report of the secretariat on follow-up to the recommendations of the ninth meeting of chairpersons (HRI/MC/1998/4)

24. Proposal for the organization of a workshop on the development of indicators to assess the realization of the right to education, prepared by the Committee on Economic, Social and Cultural Rights

25. Background note prepared by the secretariat on the establishment of indicators/benchmarks to assess the realization of human rights (HRI/MC/1999/Misc.5)

26. Report on the expert seminar on "appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights" (A/CONF.157/PC.73)

27. Results of the twentieth session of the Committee on the Elimination of Discrimination against Women (E/CN.6/1999/CRP.1)

28. Draft resolution submitted by the Chairperson of the Open-ended Working Group on the Elaboration of a Draft Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (E/CN.6/1999/WG/L.3)

Appendix II

Programme budget implications for the organization of technical briefings for members of human rights treaty bodies

1. The proposal for the organization of technical briefings for new members of treaty bodies assumes that the briefings would be held in association with a regularly scheduled session, normally on the Friday before the opening of the session. The only costs involved would therefore arise from the additional daily subsistence allowance (DSA) that members would be entitled to receive. In this scenario, that would amount to three additional days of DSA for each member participating in a briefing.

2. Assuming that half of the members of all treaty bodies are elected every two years, the maximum biennial costs involved would be as follows:

		(US dollars)
Committee on Economic, Social and Cultural Rights	9 members and chairperson (or designate)	8 220
Human Rights Committee	9 members and chairperson (or designate)	8 220
Committee against Torture	5 members and chairperson (or designate)	4 932
Committee on the Elimination of Racial Discrimination	9 members and chairperson (or designate)	8 220
Committee on the Rights of the Child	5 members and chairperson (or designate)	4 932
Total maximum biennial costs		**34 524**